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इस भाग में भिन्न पृष्ठ संख्या दी जाती है ताकि इसे अलग-अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 15th November, 1983:—

BILL No. 111 OF 1983

A Bill to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Punjab.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Punjab Disturbed Areas Act, 1983. Short title, extent and commencement.
- (2) It extends to the whole of the State of Punjab.
- (3) It shall be deemed to have come into force on the 7th day of October, 1983.
2. In this Act, "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area. Definition.
3. The State Government may, by notification in the Official Gazette, declare that the whole or any part of any district of Punjab as may be specified in the notification, is a disturbed area. Powers to declare areas to be disturbed areas.

Power to fire upon persons contravening certain orders.

4. Any Magistrate or Police Officer not below the rank of Sub-Inspector or Havildar in case of the Armed Branch of the Police may, if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning, as he may consider necessary, fire upon, or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area, prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances.

Powers to destroy arms dump, fortified positions, etc.

5. Any Magistrate or Police Officer not below the rank of a Sub-Inspector may, if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made or any structure used as training camp for armed volunteers or utilized as a hide-out by armed gangs or absconders wanted for any offence.

Protection of persons acting under sections 4 and 5.

6. No suit, prosecution or other legal proceedings shall be instituted except with the previous sanction of the State Government against any person in respect of anything done or purporting to be done in exercise of the powers conferred by sections 4 and 5.

Repeal and saving.

7. (1) The Punjab Disturbed Areas Ordinance, 1983, is hereby repealed.

5 of 1983.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The activities of the extremists, terrorists and secessionist elements in the State of Punjab and the Union territory of Chandigarh have been a matter of serious concern. These persons have been indulging in violent activities, terrorist methods and encouraging illegal activities. In order to arm the police authorities in Punjab with additional powers to deal with the situation which had arisen as a result of these activities and to restore conditions of peace and normalcy in Punjab, the President promulgated on the 7th day of October, 1983, the Punjab Disturbed Areas Ordinance, 1983 (No. 5 of 1983).

2. The Bill seeks to replace the Ordinance.

NEW DELHI;

P. C. SETHI

The 8th November, 1983.

BILL No. 112 OF 1983

A Bill to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Chandigarh.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows: -

Short
title, ex-
tent and
com-
mence-
ment.

1 (1) This Act may be called the Chandigarh Disturbed Areas Act, 1983.

(2) It extends to the whole of the Union territory of Chandigarh.

(3) It shall be deemed to have come into force on the 7th day of October, 1983.

Defini-
tions.

2 In this Act, -

(a) "Administrator" means the Administrator of the Union territory of Chandigarh appointed under article 239 of the Constitution;

(b) "disturbed area" means the area which is for the time being declared by notification under section 3 to be a disturbed area.

Powers
to declare
areas to
be dis-
turbed
areas.

3. The Administrator may, by notification in the Official Gazette, declare that the whole or any part of the Union territory of Chandigarh as may be specified in the notification, is a disturbed area.

4. Any Magistrate or Police Officer not below the rank of Sub-Inspector or Havildar in case of the Armed Branch of the Police may, if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning, as he may consider necessary, fire upon, or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area, prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances.

Power to fire upon persons contravening certain orders.

5. Any Magistrate or Police Officer not below the rank of a Sub-Inspector may, if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made or any structure used as training camp for armed volunteers or utilised as a hide out by armed gangs or absconders wanted for any offence.

Powers to destroy arms dump, fortified positions, etc.

6. No suit, prosecution or other legal proceedings shall be instituted except with the previous sanction of the Administrator against any person in respect of anything done or purporting to be done in exercise of the powers conferred by sections 4 and 5.

Protection of persons acting under sections 4 and 5.

6 of 1983.

7. (1) The Chandigarh Disturbed Areas Ordinance, 1983, is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The activities of the extremists, terrorists and secessionist elements in the State of Punjab and the Union territory of Chandigarh have been a matter of serious concern. These persons have been indulging in violent activities, terrorist methods and encouraging illegal activities. In order to arm the police authorities in Chandigarh with additional powers to deal with the situation which had arisen as a result of these activities and to restore conditions of peace and normalcy in Chandigarh, the President promulgated on the 7th day of October, 1983, the Chandigarh Disturbed Areas Ordinance, 1983 (No. 6 of 1983).

2. The Bill seeks to replace the Ordinance.

NEW DELHI;

P. C. SETHI.

The 8th November, 1983.

BILL No. 113 OF 1983

A Bill to enable certain special powers to be conferred upon members of the armed forces in the disturbed areas in the States of Punjab and the Union territory of Chandigarh.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Armed Forces (Punjab and Chandigarh) Special Powers Act, 1983.

Short title, extent and commencement.

(2) It extends to the whole of the State of Punjab and the Union territory of Chandigarh.

(3) It shall be deemed to have come into force on the 15th day of October, 1983.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "armed forces" means the military forces and the air forces operating as land forces, and includes any other armed forces of the Union so operating;

(b) "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area;

(c) all other words and expressions used herein, but not defined and defined in the Air Force Act, 1950, or the Army Act, 1950, shall have the meanings respectively assigned to them in those Acts.

45 of 1950.
46 of 1950.

3. If, in relation to the State of Punjab or the Union territory of Chandigarh, the Governor of that State or the Administrator of that Union territory or the Central Government, in either case, is of the opinion that the whole or any part of such State or Union territory, as the case may be, is in such a disturbed or dangerous condition that the use of armed forces in aid of the civil power is necessary, the Governor of the State or the Administrator of that Union territory or the Central Government, as the case may be, may, by notification in the Official Gazette, declare the whole or such part of that State or Union territory to be a disturbed area.

Power to declare areas to be disturbed areas.

Special
powers of
the arm-
ed forces.

4. Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area,—

(a) if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order, for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances;

(b) if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made, or any structure used as a training camp for armed volunteers or, utilised as a hideout by armed gangs or absconders wanted for any offence;

(c) arrest, without warrant, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest;

(d) enter and search, without warrant, any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises, and may for that purpose use such force as may be necessary, and seize any such property, arms, ammunition or explosive substances;

(e) stop, search and seize any vehicle or vessel reasonably suspected to be carrying any person who is a proclaimed offender, or any person who has committed a non-cognizable offence, or against whom a reasonable suspicion exists that he has committed or is about to commit a non-cognizable offence, or any person who is carrying any arms, ammunition or explosive substance believed to be unlawfully held by him, and may, for that purpose, use such force as may be necessary to effect such stoppage, search or seizure, as the case may be.

Power of
search to
include
powers to
break
open
locks, etc.

5. Every person making a search under this Act shall have the power to break open the lock of any door, almirah, safe, box, cupboard, drawer, package or other thing, if the key thereof is withheld. ~

6. Any person arrested and taken into custody under this Act and every property, arm, ammunition or explosive substance or any vehicle or vessel seized under this Act, shall be made over to the officer-in-charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest, or, as the case may be, occasioning the seizure of such property, arm, ammunition or explosive substance or any vehicle or vessel, as the case may be.

Arrested person and seized property to be made over to the police.

7. No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.

Protection of persons acting in good faith under this Act.

8. (1) The Armed Forces (Punjab and Chandigarh) Special Powers Ordinance, 1983, is hereby repealed.

Repeal and saving.

9 of 1983,

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

With a view to enabling the police to deal with the extraordinary situation which had arisen in Punjab and Chandigarh, as a result of the terrorist activities of the extremists, terrorists and secessionist elements in Punjab and Chandigarh, the President promulgated on the 7th day of October, 1983, the Punjab Disturbed Areas Ordinance, 1983 (No. 5 of 1983) and the Chandigarh Disturbed Areas Ordinance, 1983 (No. 6 of 1983). With a view to enable the law enforcing agencies to seek the assistance of the armed forces to deal with the situation, the President promulgated on the 15th day of October, 1983 the Armed Forces (Punjab and Chandigarh) Special Powers Ordinance, 1983 (No. 9 of 1983) to provide for the conferring of certain special powers on the members of the armed forces of the Union in the disturbed areas in the State of Punjab and the Union territory of Chandigarh.

2. The Bill seeks to replace the Armed Forces (Punjab and Chandigarh) Special Powers Ordinance, 1983.

NEW DELHI;
The 8th November, 1983.

P. C. SETHI.

AVTAR SINGH RIKHY,
Secretary.